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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 GEORGE SPITTAL,

No. CIV.S-05-0112 MCE DAD PS

12 Plaintiff,

13 v.

ORDER

14 JERRY HOUSEMAN, et al.,

15 Defendants.
16 _____/

17 On April 8, 2005, defendants filed a motion to dismiss
18 plaintiff's amended complaint, or in the alternative for a more
19 definite statement, noticing the hearing for May 13, 2005, at 10:00
20 a.m. Plaintiff has filed written opposition and defendants have
21 filed a reply brief.

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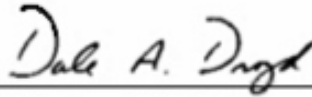
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1 Accordingly, defendants' motion is hereby submitted for
2 decision upon the record and briefs on file pursuant to Local Rule
3 78-230(h). The May 13, 2005 hearing in this matter is vacated.

4 IT IS SO ORDERED.

5 DATED: May 9, 2005.

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7 DALE A. DRCZD

8 UNITED STATES MAGISTRATE JUDGE

9 DAD:th

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